

This diploma thesis deals with freedom of speech and its limits. Freedom of speech as the fundamental right which is necessary to proper functioning of a democratic state where the law rules. In this regard the freedom of speech has to be protected properly. Protection in Czech legal order is entrusted with the legal regulation of the major legal force, part of constitutional order, „Charter of fundamental Rights and Basic Freedoms“. Freedom of speech as we know it today, was expressed after the Second World War as a prevention of similarly devastating conflict in the future. Certain desire for the free dissemination of ideas we can see in a deep history when first attempts of gaining freedom of speech was closely connected to religion. In the 19th century, when the freedom of denomination has found its stable place in the statutes of the most European countries, the freedom of speech has become to be understood in connection to the freedom of the press, that was the only communicatory media. During the 20th century, when the humankind all over the world witnessed the appalling horror of wars the strict protection of human rights became necessary. For this purpose first international organizations were established and in their scope was formulated first indexes of human rights. The formulation of fundamental rights and basic freedoms is similar in each of these international law documents. Moreover the idea of superiority of human rights connects these documents.

But freedom of speech often conflicts with some other human rights or with other individual interests protected by law. These clashes determine that freedom of speech is not unlimited right, but that it has certain limits. Not only Czech but also international legislation introduces strict conditions under which freedom of speech may be limited. Despite this fact is jurisprudence very important. Especially by the courts that are entrusted with monitoring of constitutionality. Jurisprudence deals with utmost clashes of freedom of speech and other rights and always focuses not only on the content of the speech but also on the character and status of speaker and speech addressee.

Special attention in this thesis was paid to the phenomenon of the Holocaust denial. There is expressed strong warning against inconsistent attitude in this question. What can today seem as unnecessary prosecution of silly ideas of insignificant group of people with antisemitic opinions can lead to serious danger for some minorities. We should never forget that the speech has the power to change people's minds.